



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 4, 2014

Ms. Carol Butcher
Butcher's Scrap & Metal, Inc.
108 L Street
Hoquiam, WA 98550-2313

Re: Administrative Order

Order Docket #	10939
Site Location	1313 Western Avenue, Hoquiam WA 98550
ERTS#/Facility#	ERTS: 647458, Facility Site Number: 28206

Dear Ms. Butcher:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order requiring Butcher's Scrap & Metal, Inc. to comply with:

- Chapter 70.105 Revised Code of Washington (RCW), Hazardous Waste Management Act
- Chapter 173-303 Washington Administrative Code (WAC), Dangerous Waste Regulations

If you have questions please contact Dee Williams, Inspector, at 360-407-6348 or at Dee.Williams@ecy.wa.gov.

Sincerely,

Ava Edmonson, Section Manager
Hazardous Waste and Toxics Reduction Program
Southwest Regional Office

Enclosures: Administrative Order

By Certified Mail:

91 7199 9991 7032 9240 7846

cc: Kevin Hancock, Ecology SWRO-WQ Stormwater – khan461@ecy.wa.gov
Michelle Mullen, EPA Region 10, PCB Coordinator – mullin.michelle@epa.gov
Matt Ludwick, LNI – ludn235@lni.wa.gov
Kristin Alvarez, Ecology SWRO-TCP – kalv461@ecy.wa.gov
Al Salvi, Ecology SWRO-Waste-2-Resources – asal461@ecy.wa.gov
Trooper Gabe Fletcher, WA State Patrol – gabe.fletcher@wsp.wa.gov
Garrett Dalan, Grays Harbor County Health Department – gdalen@co.grays-harbor.wa.gov

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN) ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER) DOCKET #10939
AGAINST)
Carol Butcher, President and Agent)
and)
Butcher's Scrap & Metal, Inc

To: Carol Butcher
Butcher's Scrap & Metal, Inc.
108 L Street
Hoquiam, WA 98550-2313

Order Docket #	10939
Site Location	1313 Western Ave., Hoquiam WA 98550
ERTS#/Facility#	ERTS: 647458, Facility Site Number: 28206

The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring Carol Butcher, President and Agent, and Butcher's Scrap & Metal, Inc. to comply with:

- Chapter 70.105 Revised Code of Washington (RCW), Hazardous Waste Management Act
- Chapter 173-303 Washington Administrative Code (WAC), Dangerous Waste Regulations

Chapter 70.105 RCW authorizes the Department of Ecology (Ecology) to issue Orders requiring compliance whenever it determines that a person has violated any provision of Chapter 70.105 RCW.

DETERMINATION OF VIOLATION(S) AND ORDER TO COMPLY

Ecology has determined that violations have occurred based on the facts provided below.

For these reasons, and in accordance with RCW 70.105.095, it is ordered that Carol Butcher and Butcher's Scrap & Metal, Inc. take the corrective actions listed after each violation. These corrective actions are required at the location known as Butcher's Scrap & Metal, Inc. located at 1313 Western Ave., Hoquiam Washington.

Violation 1: WAC 173-303-145(3): For spills and discharges, the responsible person must take appropriate mitigation and control actions.

Observations made on June 25, 2014 and on August 25, 2014:

- Oily waste and other fluids had accumulated inside a metal auto rack, and on the soil surrounding this unit. In some places this waste was several inches deep, with puddles on the soil surface.

- Oily waste had accumulated in the soil in the center cutting area, so much so that the subsurface appeared saturated.
- Oily waste had accumulated in the soil in the southwest and south center of the yard. Oily waste had also accumulated on the surface soil and vegetation in an infiltration ditch that outlined the north east corner of the property.
- Witness testimony indicated that transformers had been cut-up on the site in the past.
- Samples were collected on June 25, 2014 from five oil stains across the property. Results showed high concentrations of heavy metals, xylene and benzene. These concentrations cause the waste to be designated as toxic dangerous waste carrying State Waste Code WT02. The results also showed high concentrations of polychlorinated biphenyls (PCBs) that cause the waste to be regulated as a persistent dangerous waste with state waste code WPCB, or in some cases with concentrations above 50ppm to be federally regulated under the Toxic Substances Control Act (TSCA).

Action Required:

- 1.) **Immediately** upon receipt of this Order cease discharging automotive fluids to the soil. Segregate automotive waste streams; place crank case oil, transmission fluid and brake fluid together in a container labeled "used oil." Place fuel in a separate container labeled "spent gas" or "spent diesel." Place antifreeze in a container marked "spent antifreeze." Keep these containers closed except when adding waste.
- 2.) **Immediately** upon receipt of this Order cease any release of refrigerants to air or to soil. The refrigerants in automobile air conditioning units or condensers may contain chlorofluorocarbons (CFCs) that are dangerous to the environment. Refuse to accept automobiles and condensers that aren't already drained.
- 3.) **Immediately** upon receipt of this Order cease any releases from home heating oil tanks, drums or other containers. Do not accept tanks or containers that hold liquids. Also cease dismantling transformers or capacitors; do not release dielectric fluid to soil. These units may contain polychlorinated biphenyls (PCBs) which are harmful to human health and the environment.
- 4.) **Within seven (7)-days** of receipt of this Order, clean up the liquid and sludgy waste that has accumulated: 1.) within and around the metal pan under the auto rack, 2.) on the floor and inside secondary containment sumps/pallets inside the storage shed that is located adjacent to the auto rack, and 3.) inside the containment bins that rest below holding tanks near the auto rack. Place all waste in containers that are labeled "waste pending designation" and keep these containers closed except when adding waste.
- 5.) **Within thirty (30)-days** designate all wastes through representative sampling and analytical testing. NOTE: the regulations normally allow you to use your knowledge of how a waste was generated in the designation process when that knowledge is sufficient. In this case, given the lack of waste management and control, generator knowledge cannot be used.
- 6.) **Within thirty (30) days** of receipt of this Order, properly dispose of wastes based on analytical testing.

- 7.) **Within thirty (30)-days** provide documentation, such as a report, photos or a letter, to show that appropriate action has been taken within the given timelines.
- 8.) **Within sixty (60)-days** provide a remediation plan to address soil contamination at the site. This plan must specifically address the gross soil contamination in the cut-up area, the north east infiltration ditch, the south-central dump site and area surrounding the auto rack. Ecology is most concerned about contaminants migrating to ground water or migrating off-site to the neighbor's property or surrounding area.

Violation 2: WAC 173-303-170(1) and by reference 070(3): Sites must properly designate solid waste prior to disposal.

Observations on June 25, 2014 and on August 25, 2014:

- Two above-ground tanks were located near the auto rack. These tanks contained liquids that may be a mixture of used oil, antifreeze, gasoline, and other oily waste. The designation of these wastes is unknown.
- Three 55-gallon drums were located in a shed near the auto rack. These drums contained liquids that may be a mixture of used oil, antifreeze, gasoline, and other oily waste. The designation of these wastes is unknown.

Action Required:

- 1.) **Immediately** upon receipt of this Order label waste containers/tanks as "waste pending designation," and keep the containers and tanks closed.
- 2.) **Within thirty (30) days** of receipt of this Order, designate the waste through representative sampling and analytical testing as Ordered for Violation #1. NOTE: the regulations normally allow you to use your knowledge of how a waste was generated in the designation process when that knowledge is sufficient. In this case, given the lack of waste management and control, generator knowledge cannot be used.
- 3.) **Within thirty (30) days** of receipt of this Order, properly dispose of wastes based on analytical testing. Provide documentation that the wastes have been designated and disposed.

Violation 3: WAC 173-303-060(1) – Sites must submit a Site Identification Form and obtain an EPA/State Identification Number.

Observations on June 25, 2014 and August 25, 2014

- Butcher's Metal and Scrap has not met the conditional exemption for small quantity generators of dangerous waste, as defined in WAC 173-303-070(8). Wastes have been spilled to the ground and dangerous waste is accumulating in surface soil.

Action Required:

1. **Within ten (10) days** of receipt of this Order, submit a completed Site Identification Form to the Department per WAC 173-303-060 and 173-303-170.

ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations.

Ecology has determined that you are not eligible for an opportunity to correct under RCW 34.05.110 because:

- The agency is acting in response to a complaint made by a third party and the third party would be disadvantaged by the application of RCW 34.05.110(1).
- On July 8, 2014 you were provided the opportunity to correct the violations and did not do so by the reasonable period of time offered, which was thirty (30) days - August 16, 2014.
- The effects of the violations pose a potentially significant threat to human health or the environment or cause serious harm to the public interest.

FAILURE TO COMPLY WITH THIS ORDER

Failure to comply with this Order may result in the issuance of civil penalties or other actions, administrative and/or judicial, to enforce the terms of this Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608

Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903
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CONTACT INFORMATION


Please direct all questions about this Order to:

Dee Williams
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia WA 98504-7775
360-407-6348
Dee.Williams@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW - Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 70.105 RCW – Hazardous Waste Management**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=70.105>
- **Chapter 173-303 WAC – Dangerous Waste Regulations**
www.ecy.wa.gov/biblio/wac173303.html

SIGNATURE


Ava Edmonson
Section Manager
Hazardous Waste and Toxics Reduction Program
Southwest Regional Office

September 4, 2014
Date

